

Town of Bristol
Planning Board
June 3, 2013

Members Present: Chairman Nate Harvey, Joann Rogers, Bob Stryker, Bob Raeman, Bob Drayn, and Secretary Sandra Riker

Others Present: Dan Seeley, Ed Summerhays, Fran Morgante, Jane & Croft Gorsline, Julie Cramer, Ed Zink, Nick Cohen, Lynn Cronise

The meeting was opened with the Pledge of Allegiance.

Minutes: The minutes of May 6, 2013 were reviewed and accepted as written by a motion from Joann Rogers, and a second by Bob Drayn. All agreed with Bob Raeman abstaining because he was excused from that meeting.

Cramer Subdivision: The public hearing notice was read and the public meeting opened by the Chairman. There were 12 neighbor notification letters sent out and we had no replies. The Chairman asked if anyone present wished to comment and no one in the room responded. The public hearing was then closed.

Ms. Cramer advised the Board she was subdividing $\frac{1}{4}$ acre from her tax parcel #150.00-3-57.110 on Morrow Hill Road and selling it to her neighbor Ed Zink. Mr. Zink would like to wait to annex this piece to his parcel #150.00-3-6.000 because of a title issue regarding that parcel. He has owned the parcel since 2007. He purchased it from the County at the foreclosure sale. It has since come to light that there is some issue between a title company and the previous owner involving some interest. He advised the Board that as far as the County was concerned he had clear title to the property; however, the issue between the Title Company and previous owner remains unresolved. When asked if there was a time frame for the resolution to take place he advised the Board he did not have any idea how long it would take. He was hoping the Board would approve the subdivision based on contingent he would annex the $\frac{1}{4}$ acre piece when the issue concerning the other parcel would be resolved. He had signed such a letter of intent at the time of the subdivision application being presented to the Planning Board. He realizes that his parcel is less than the 2 acres required as a building lot in the A-C district but the parcel was originally made prior to zoning regulations. By purchasing the $\frac{1}{4}$ acre it will help bring it closer to present zoning. The Board asked if the $\frac{1}{4}$ acre piece was in steep slopes and both Cramer and Zink replied it was a flat space. This would provide him a place for parking and perhaps expanding the septic system but would make no improvements until he was able to annex this to his parcel.

The Board also asked if it would be possible for him to acquire more than just the $\frac{1}{4}$ acre perhaps enough to make it comply with zoning. Cramer said she did not wish to sell off anymore of that portion of her parcel as it would be the best place for building on her remaining lands after the subdivision to Zink. If the issue was never resolved then the Board would have been responsible for creating a second tax parcel that was not only landlocked but

too small in size to be useful. They suggested that the application should be tabled for 30 days in order for Zink to proceed with getting the title issue with his parcel resolved. Zink replied he did not want to wait to act on this sale because the rest of the lands belonging to Cramer are on the market. He said he would be willing to take the chance and add the parcel to his at this time if it meant the Board would approve the subdivision. The Board told him it would require his signing a parcel combination document to present along with the subdivision application and map from Ms. Cramer.

Ms. Cramer asked to have her application withdrawn and tabled until next month allowing the time for a clearer map and parcel combination document be put together. The Board said the map would need to reflect wording showing the $\frac{1}{4}$ acre piece and Zink's existing parcel as one tax map parcel when combined.

Gorsline Informational Meeting regarding Subdivision:

Ed Summerhays, land surveyor is presenting a conceptual map showing the possible subdivision of lands belonging to Mr. Gorsline. The property is located on Evert Road, under tax map # 137.00-2-12.100. He advised the Board that there are two parcels being looked at for sale and a potential of 2 more at this time. Does this mean we would have to do a major or minor subdivision of the parcel? They would like to do the subdivision in phases not knowing how long it might take to sell the whole parcel. The intent is that there would be no lot smaller than 10 acres in size and the conceptual map allows them the ability to shift lot lines around to accommodate the buyers as they become known. The Board told him there would need to be a site plan involved with the subdivision and a key interest would be in making sure the access to the lots would take into consideration the steep slopes on this property.

The Board told him the criterion for a minor subdivision is 3 lots or less. Two parcels can be divided off the parent parcel and the parent parcel would represent the third lot. The parent parcel could not be divided again for three years if it were to be another minor subdivision. However, if they wished to come back sooner than the three year limit it would have to be as a major subdivision.

The question was raised about having private drives on the parcel. The Board told him there could be as many as three lots on a private drive and the R.O.W. would need to be a minimum of 66' (perhaps more if working around a steep slope area). All three parcels would have a minimum of 22' access off the private drive.

Summerhays asked what would be the criteria if a parcel sold was going to be annexed to the lands next to it. The Board told him this parcel would not be considered part of the major subdivision. (Is this right? Then you could potentially sell up to four lots under a minor subdivision if two of them were to be annexed to neighboring parcels. The Chairman asked that the question be directed to our town attorney.)

The Board asked if there were any buildings on the whole parcel. Summerhays said there was a barn on the piece currently being shown as 16 acres on the conceptual map.

He asked what the procedure would be for them to start the process:

1. They could do a 3 lot subdivision and if they came back in less than 3 years the remaining lands would need to be done as a major subdivision.
2. The Board said this appears to be a marketing map as a sales tool and the real estate agent should not guarantee that the lots would be buildable.

Ms. Morgante made a statement: the map shown does not accurately represent her property boundaries. Mr. Summerhays told her the map is not a survey map merely a conceptual map for planning purposes.

Zoning Changes:

The Board agreed that when the final rewrite comes the Zoning Board of Appeals will be included in the process.

The Board then looked at the document from February 11, 2013 and reviewed the individual sections that were addressed to the Town Board.

Article 10 Uses Permitted in Use Districts: The Chairman said the changes to Article 10 is an attempt to encourage more home occupations and provide some latitude for the ZBA in determining whether they would be acceptable. The Secretary started the rewrite by including a statement to be added to each district under special use permits required: *Any use or business not specifically mentioned in this chapter which, in the opinion of the Zoning Board of appeals, is similar in nature and scale to a use or business permitted within the A-C District listed above.* The Board said it would be good to include this statement under *Article 11-Schedule of Lot Size, Building Size, and Setbacks.* The Secretary will make this change as well. The changes will be set aside and added into the packet for review by the Town Board, County Planning, and the Town Attorney.

Article 18 Special Use Permits: The change here is under the first paragraph of Intent to include the words of "similar to" to provide latitude for the Zoning Board of Appeals:

Section 1: Because of their unique characteristics, it is recognized that certain uses require special consideration by the Zoning Board of Appeals before a permit is issued for the use of land within the town. The uses that require special permits are listed in Article Ten-Uses Permitted in Use Districts. The Zoning Board of Appeals is also authorized to consider any use not listed in Article Ten to determine its similarity to other permitted uses. All special uses shall conform to the bulk and area restrictions of the Zoning District in which it is located. An approved Special Use Permit would generate an Operating Permit.

Size limitation for accessory structures used for home occupations: Russ Kenyon was concerned that if there is not a size limitation with regard to the amount of space being used for a home occupation and the accessory structure were larger than the home then the home occupation could flip the use of the property creating spot zoning. It was suggested that perhaps it could be limited to 75% of the accessory structure but the Board questioned if this would be limiting to the property owner. They did not see how the use of the entire accessory structure would flip the main use of the property. They also agreed that any regulation can be challenged with a variance request.

Temporary Special Events: A handout of the regulation from the town of Loudoun Virginia with regard to Temporary Special Events was provided for the Board. The Chairman ask the Board to review this for the August meeting. He will not be here for July and would like to be present when any of the changes for zoning are addressed.

Timber Harvest: The Secretary advised the Board the current Local Law for Timber Harvest provides an avenue for the Town Board to be able to reset the cost of such permit. The Board asked her to review this with the Town Board and CEO for input as to what would be a reasonable increase in the fee. The Chairman said he would address this at the June Town

Board meeting. **He did and the Town Board did not make a resolution that evening so it will be brought up again in July.** She also told them the reference to adjacent property owners by letter is included in the current law under but it is confusing as to whether it refers to the basic permit as well as the full permit. They suggested this could be rewritten to reflect the adjacent property owner letter to go to both types of permit. They also suggested that the application shall not begin sooner than 10 days after the permit receipt date to allow time for notification to the highway superintendent, adjacent owners, and agencies. The Secretary will set up the document so it will be a workable document before the August meeting so the changes can be made.

Comp Plan Review: The focus panel report was emailed to each of the Planning Board members, the Chairman ask the Board to review this before the August meeting. He stated that Heavy Industry needs to be defined in both the Comp Plan and Zoning Regulations even if only to not allow it under these documents. He provided some definitions that we have obtained so far:

1. Nan Stolzenburg-Certified Planner and owner of Community Planning & Environmental Associates from Berne New York.-
2. Delaware Law: to protect against heavy industry referenced at delcode.delaware.gov/title 7.

The Chairman went on to say that at present there is no definition that is accepted at the federal and state levels aside from the Delaware Law. This was put into place to protect their shore line and on shore communities from heavy industry.

There should be another intermuni workshop with Don Young of Boylan and Code before the August meeting and will probably have an update to share at the July meeting for the Board to review.

Other Business: Bob Stryker said he would be willing to chair the July meeting of the Planning Board. The Board all agreed it would be held to current business only.

A motion was made by Bob Stryker to adjourn the meeting.

Respectfully submitted,

Sandra Riker

Town of Bristol

Planning Board Secretary

The minutes were approved at the July 1, 2013 meeting with a motion by Bob Raeman and a second by Bob Drayn and approved by all present.